

## REMARKS/ARGUMENTS

Claims 1 - 24 are presently pending in the present application. All of the pending claims stand rejected. Reconsideration of the claim rejections is respectfully requested.

Claims 1-24 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Cetel et al. EP 0 848 071 A1 (“Cetel”). The rejection is respectfully traversed.

First, with regard to the ratio of Ru in the various alloys, a number of the claims of Cetel recite a nickel base superalloy composition comprising, *inter alia*, 0 - 10.0 wt.% of one or more elements selected from the group consisting of group III, series 2 and 3 metals (ruthenium, palladium, rhodium, iridium and osmium). However, the specification of the reference merely discloses that, “When present, platinum, palladium, ruthenium and osmium are also effective in increasing the creep-rupture strength and oxidation and corrosion resistance of the material (see, e.g., p. 3, lines 23 - 23). The specification provides no reason for limiting the composite ratio of the above-described elements to the claimed range of 0 -10.0 wt.%. Additionally, the specification of the reference also does not substantially disclose or otherwise describe an alloy including the above-mentioned elements, particularly an alloy including Ru. Applicants thus contend that, notwithstanding the amount of Ru recited in the claims of Cetel, the reference does not substantively disclose an alloy including 0 - 10 wt.% of Ru. Consequently, the presently claimed alloy including 4.1 - 14.0 wt.% of Ru is neither anticipated nor rendered obvious by the disclosure of the Cetel reference.

Still further, with regard to the composite ratio of Co in the various alloys, the claims of the Cetel reference recite, “a nickel base superalloy composition comprising 3.0 - 20.0 wt.% of Co.” Once again, however, turning to the specification of the reference, the relevant teaching concerning this material concerns an alloy which contains 10.0 - 10.2 wt.% of Co (see, e.g., Tables I to IV of Cetel). That is, there is no teaching or discussion in the written description contained in the reference of a superalloy composition containing 3.0 - 20.0 wt.% of Co. Thus, the teachings in Cetel clearly differ from the composite ratio of Co recited for use in applicants’ claims, i.e., which ranges between 0 - 9.9 wt.%. Accordingly, applicants respectfully contend that Cetel also does not substantively disclose an alloy including 0 - 9.9 wt.% of Co. This, then, provides further support for applicants’ contention that the present claims are neither anticipated nor rendered obvious by the disclosure contained in Cetel.

As the Cetel reference thus lacks any substantive teaching relating to various features of the present application, i.e., the relative amounts of Ru and Co, which have a direct bearing on the advantages provided by the claimed alloys, the Examiner is respectfully requested to reconsider and withdraw the §§102,103 rejection of the claims based on the Cetel reference.

### **Double Patenting Rejection**

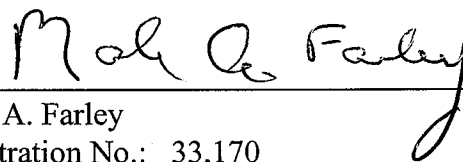
Further to the above, claims 1 -24 are rejected on the basis of nonstatutory obviousness-type double patenting over claims 1-3 of U.S. Patent No. 6,966,956 of Koizumi et al. for the reasons given at p. 9 of the Office Action. This rejection is also respectfully traversed.

With regard to the composite ratio of Ru in the various alloys, applicants note that whereas Koizumi discloses to use 1.0 - 4.0 wt.% of Ru, applicants claims in the present application recite the use of 4.1 - 14.0 wt.% of this material. The claims are thus distinguishable from Koizumi on the basis of the amount of Ru included. Moreover, since the subject reference includes no teaching to expand (i.e., increase) the amount of Ru taught for inclusion therein, and particularly to the upper limit of the range now recited in the claims of this application, applicants submit that there is also no basis for a finding that the present claims would be 'obvious' to one having an ordinary level of skill in this art over the disclosure contained in Koizumi.

For the reasons above, therefore, applicants respectfully submit that since claims 1-24 of the present application would not be obvious over the claimed composition(s) recited in Koizumi, the Examiner is respectfully requested to reconsider and withdraw the double patenting rejection.

Respectfully submitted,

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